IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MS JUSTICE G.ROHINI**

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**WRIT PETITION NO : 2596 of 2005**

Between:

C.Thippa Reddy, S/o.G.Hanumantha Reddy,
R/o.6-560/B, Ramnagar Ananthapur.

**..... PETITIONER**

AND

1 The Joint Collector, Ananthapur.
2 The Mandal Revenue officer, Ananthapur.
3 The Revenue Divisional officer, Anantapur.
4 G.Obi Reddy, S/o.G.Narayana Reddy,
R/o.Takalapalli Village, Ananthapur Dist.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ of mandamus or any other appropriate writ or direction declaring the order of the 1st respondent passed in D.Dis.No.D4/5302/2002 dated 22-12-2004 as illegal arbitrary and consequently direct the 1st respondent to adjudicate the revision on merits and pass such other or further orders as the Hon'ble court feels deem fit and proper in the facts and circumstances of the case.

**Counsel for the Petitioner: MR.O.MANOHER REDDY**

**Counsel for the Respondent Nos.1 to 3: GP FOR REVENUE**

**Counsel for the Respondent No.4: MR.K.MAHESWARA RAO**

**The Court at the admission stage made the following:**

**ORDER:**

Heard the learned counsel for both the parties and perused the material on record.

The petitioner claims to be absolute owner of the land in Survey No.82-1B to an extent of Ac.11.10 cents of Kakalapalli village, Ananthapur. He made an application before the Mandal Revenue Officer, Ananthapur, the second respondent herein, for issuance of pattadar passbook and title deeds. The second respondent by order dated 19.11.1990 held that the petitioner is a joint pattadar and that he has a right only to an extent of Ac.7.90 cents out of Ac.11.10 cents. Aggrieved by the said order passed by the Mandal Revenue Officer, dated 19.11.1990, the petitioner preferred an appeal before the Revenue Divisional Officer, Ananthapur, the third respondent. The said appeal was allowed and the matter was remanded to the second respondent with a direction to conduct a fresh enquiry. Subsequently, the second respondent passed an order dated 22.10.1992 disallowing the right of the petitioner to an extent of Ac.1.00 cents of land which originally belonged to his father and also an extent of Ac.2.50 cents of land which was purchased under an agreement of sale dated 26.09.1960. Against the said order, the petitioner preferred an appeal before the third respondent, however,

the said appeal was dismissed by order dated 20.05.1993. Against the said order, the petitioner preferred a revision before the Joint Collector in which the fourth respondent herein got himself impleaded as the third respondent and opposed. This writ petition is filed assailing the order dated 22.12.2004 passed by the first respondent, the Joint Collector, dismissing the said revision petition.

As can be seen from the impugned order dated 22.12.2004, it is clear that the said revision petition was dismissed only on the ground that the revision petitioner/writ petitioner has failed to supply a copy of the memorandum of revision to the third respondent therein and accordingly concluding that the petitioner is not interested in pursuing the revision petition.

Having heard the learned counsel for both the parties and since admittedly the matter was not decided on merits, but was dismissed only on a technical ground that a copy of the memorandum of revision was not furnished to one of the respondents, I am of the view that the matter requires re-consideration. A copy of the memorandum of revision petition has been served on the learned counsel appearing for the fourth respondent in the open Court and the same shall be deemed to be valid service on the fourth respondent.

Accordingly, the impugned order is set aside and the matter is remanded to the first respondent for consideration afresh after hearing all the parties concerned and to pass appropriate orders in accordance with law within a period of two months from the date of receipt of this order. It is made clear that both the parties shall cooperate for expeditious disposal of the revision.

The writ petition is accordingly disposed of. No costs.

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16.02.2005

VGB

To

1 The Joint Collector, Ananthapur.
2 The Mandal Revenue officer, Ananthapur.
3 The Revenue Divisional officer, Anantapur.

4 2CCs to the G.P. for Revenue, High Court Buildings, Hyderabad (OUT)

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